

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**Appeal from Order No. 193 of 2010**

Oriental Insurance Co. Ltd. .....Appellant

Versus

Sri Om Prakash & Others .....Respondents

Mr. Prabhat Pande, Advocate for the appellant.

Mr. Siddhartha Sah, Advocate for the respondent no.1.

May 30, 2016

**Hon'ble Servesh Kumar Gupta, J.**

Having heard the learned counsel of either party, it transpires that the accident and the offending vehicle (insured) is not disputed.

The only contention of learned counsel for the appellant/Insurance Company is that simply right hand of the injured was crushed and the doctor declared him 50% disabled. In that state of affairs, such 50% crushing of only one hand should not be treated as equivalent to the 50% disability of the whole body because the injured, being employee of Kiccha Sugar Company, is serving his employer in the same manner, as before the accident and getting the same salary, which he was getting earlier.

So, awarding of compensation on account of being so disabled, to the tune of Rs.2,56,000/- is on the higher scale.

I am unable to agree with the contentions of learned counsel for the appellant for the reason that this 50% disability certificate has been issued under the Authorised Board for this purpose including Orthopaedic Surgeon.

Such 50% disability would not be interpreted equivalent to make the whole body to 50% disability. Had it

been, so that such a miserable person would have no alternative but to remain confined on the bed only.

Crushing of right hand for all the remaining life in the total life span of a person is such an unexpressed agony inasmuch as creating the constraints in his life to feel low spirit in front of whole society as well as his relatives and such anguish can hardly be compared with any amount of money, much less, Rs.2,56,000/-.

So, I refuse to interfere in the award of compensation on this score.

As regards the medical expenses, Rs.2,15,000/- has been awarded on this score and the medical bills have been verified by the concerned doctor, as has been discussed in the impugned judgment while adjudicating the issue no.3. So, I also refuse to interfere on this point.

All told, this appeal has no force and it is hereby dismissed.

**(Serves Kumar Gupta, J.)**